IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.21352 of 1995

Between:

Shree Vaani Sugars and Industries, having its Regd.Office and Factory at Mudipanapalle, Sugalimitta Post, Punganur-517 247, rep. by its Executive Director Sri S. Gokul.

..... PETITIONER

AND

1 The Government of Andhra Pradesh rep. by its Secretary, Food and

Agriculture (Marketing II) Department, Secretariat,
Hyderabad.
2 The Secretary, Agricultural Market Committee, Punganuru,
Chittoor District.
3 The Secretary, Agricultural Market Committee, Palamaneru,
Chittoor Dist.
4 The Secretary, Agricultural Market Committee, Madanapalli,
Chittoor District.
5 The Secretary, Agricultural Market Committee, Voyalpadu,
Chittoor District.
6 The Secretary, Agricultural Market Committee, Kalikiri,
Chittoor District.
7 The Secretary, Agricultural Market Committee, Beeram Kotha Kota,
Chittoor Dist.
8 The Secretary, Agricultural Market Committee, Kuppam,
Chittoor Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order or appropriate writ declaring that (a) the Andhra Pradesh (Agricultural Produce and Live Stock) Market Act 1966 as inapplicable to the petitioner company for the purchase of Sugar Cane; (b) and consequently issue a writ of mandamus directing the respondents herein not to insist the petitioner company to obtain a

licence and to pay market Cess under Sec.7(1) of the Andhra Pradesh (Agricultural Produce and Livestock) Market Act, 1966; c) declare the action of the respondents in issuing the notices under Sec. 17(c) (1) of the Andhra Pradesh (Agricultural Produce and Livestock) Market Act, 1966 as illegal, arbitrary, ultra vires and violative of Art. 19(1) (g) of the Constitution of India.

Counsel for the Petitioner: Mr. C.KODANDA RAM

Counsel for the Respondent No.1: GP FOR AGRICULTURE

Counsel for the Respondent Nos.2 to 8: Mr. Badana Bhaskara Rao, SC for Agricultural Market Committee.

The Court made the following :

ORDER:

This writ petition is filed questioning the proceedings No.A12/95, dated 15.09.1995 issued by the respondents.

Learned counsel for the petitioner and learned Government Pleader for Agriculture conceded that the issue raised in this writ petition is squarely covered by judgment of the Apex Court in **BELSUND SUGAR COMPANY LIMITED Vs. STATE OF**

BIHAR[1].

Following the same, the present writ petition is allowed. No costs.

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(N.V. RAMANA, J)

Date: 07.10.2004

Nsr

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday, the Seventh Day of October, Two Thousand and Four.

ASSISTANT REGISTRAR

To

1 The Secretary, Food and

Agriculture (Marketing II) Department, the Government of Andhra

Pradesh, Secretariat, Hyderabad.

2 The Secretary, Agricultural Market Committee, Punganuru, Chittoor District.

3 The Secretary, Agricultural Market Committee, Palamaneru, Chittoor Dist.

4 The Secretary, Agricultural Market Committee, Madanapalli, Chittoor District.

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Chittoor Dist.
8 The Secretary, Agricultural Market Committee, Kuppam,
Chittoor Dist.

9 Two CCs to G.P for Food and Agriculture, High Court of A.P.,

Hyderabad (OUT)

10 Two CD copies.